

# INDEX OF LABELING ISSUES IN COMPLIANCE MATTERS/ALCOHOL & TOBACCO NEWSLETTERS

<u>Issue #</u>	<u>Article Title and Synopsis</u>	<u>Active?</u>
93-1	<p>PRODUCTS WHICH REQUIRE LABORATORY ANALYSIS PRIOR TO LABEL SUBMISSION</p> <p>Imported and Domestic, Wines, Distilled Spirits and Malt Beverages</p> <p>DOMESTIC PRODUCTS WHICH REQUIRE APPROVED FORMULAS OR STATEMENTS OF PROCESS PRIOR TO LABEL SUBMISSION</p> <p>Wines, Distilled Spirits and Malt Beverages (Ref: 94-1).</p> <p>INCLUDES INDUSTRY CIRCULAR:</p>	<p>Yes</p> <p>Yes</p>
	<p>IC-93-8 DATED 8/2/93</p> <p>HEALTH CLAIMS IN THE LABELING AND ADVERTISING OF ALCOHOLIC BEVERAGES</p> <p>Statements that make therapeutic or curative claims with respect to the labeling and advertising of alcoholic beverages are prohibited if the statements are untrue.</p>	Yes
94-1	<p>AGE STATEMENTS ON GRAPPAS</p> <p>Age Statements are no longer required on labels of grappas aged less than two years.</p> <p>COLAS FOR IMPORTED BRANDY</p> <p>Imported Brandies must have laboratory analysis prior to label submission.</p> <p>FLAVORED DISTILLED SPIRITS (CLASS 9)</p> <p>The minimum alcohol content is 60 proof for Class 9 distilled spirits and COLAs are subject to the submission of a revised formula.</p> <p>FORMULA SUBMISSIONS FOR DISTILLED SPIRITS</p> <p>The appropriate class and type of distilled spirits should be entered in item 1 of ATF F 5110.38 by domestic producers.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

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94-1 (con't)	<p><b>MINIMUM REQUIREMENTS FOR MALT BEVERAGE PRODUCTS</b></p> <p>Materials used to treat brewing water are not classified as brewing adjuncts and must be unobjectionable under laws and regulations of FDA. Malt beverages must be made with 25% or more malt. Malt beverages must be made with at least 7.5 pounds of hops per 100 barrels.</p>	Yes
	<p><b>STATEMENTS OF PROCESS REQUIRED FOR ICE BEER AND CLEAR MALT BEVERAGE PRODUCTS</b></p> <p>Statements of process must be submitted with COLA applications (Ref: 93-1).</p>	Yes
	<p><b>LABELING OF COCKTAILS</b></p> <p>Use of coloring materials in consumer recognized distilled spirits cocktails (also listed here) may be disclosed on a front or back label.</p>	Yes
	<p><b>CHANGE IN 5 YEAR REQUIREMENTS FOR PRE-IMPORT ANALYSIS</b></p> <p>The resubmission of samples and Statements of Process are no longer required for those imported products whose laboratory analysis is five or more years old and whose formulation is the same. Guidelines are outlined.</p>	Yes
	<p><b>CHANGE IN PRE-IMPORT APPROVAL FOR LIQUEURS</b></p> <p>Pre-import approval will be based on a comprehensive list of ingredients and method of manufacture.</p>	Yes
<b>INCLUDES INDUSTRY CIRCULARS:</b>		
IC-93-9 Dated 12/3/93	<p><b>GOVERNMENT WARNING STATEMENT</b></p> <p>Outlines the requirements associated with the Government Warning Statement.</p>	Yes
IC-93-9 Dated 1/11/94	<p><b>EXEMPTION FROM MANDATORY AGE STATEMENTS FOR GRAPPA BRANDY</b></p> <p>Grappa is exempt from any mandatory label references to age.</p>	Yes

<b><u>Issue #</u></b>	<b><u>Article Title and Synopsis</u></b>	<b><u>Active?</u></b>
94-2	<p><b>COLOR DECLARATION OF DISTILLED SPIRITS SPECIALTIES WHICH CONTAIN A LIQUEUR AND ANOTHER CLASS &amp; TYPE OF DISTILLED SPIRITS</b></p> <p>The color disclosure is allowed to appear anywhere on the front label of Distilled Spirits Specialties provided the color additive is contained in the liqueur component of the DSS.</p>	Yes
	<p><b>FLAVORED MALT BEVERAGES</b></p> <p>All malt beverages specialty products must bear a truthful and adequate statement of composition which must appear in direct conjunction with the fanciful name. Certain terms used as part of the fanciful name must be preceded by the word “flavored” unless certain conditions are met (Ref: 97-1).</p>	No –Ref: 97-1.
	<p><b>CIDER BEER</b></p> <p>The fanciful name and the statement of composition for a flavored malt beverage product may not include the term “cider”.</p>	Yes
	<p><b>SULFUR DIOXIDE ANALYSIS FOR WINE LABEL APPROVAL WITHOUT SULFITE DECLARATION</b></p> <p>A sulfur dioxide analysis from either an ATF laboratory or a laboratory certified by ATF must accompany the COLA application.</p>	Yes
	<p><b>COOKING WINES</b></p> <p>Standard wine may not be referred to as Cooking Wine, however, additional language on any label may be acceptable.</p>	Yes
	<p><b>USE OF TERMS ASSOCIATED WITH DRUGS OR THE DRUG TRADE</b></p> <p>These terms are not condoned by the Bureau.</p>	Yes
	<p><b>CLASS &amp; TYPE CODE FOR MEZCAL</b></p> <p>While Mezcal has not been defined in the regulations as a distinctive product, it now has different codes in the CFM system.</p>	Yes
	<p><b>THE TERMS “DGN” AND “NOM” ON TEQUILA LABELS</b></p> <p>DGN may not appear on any tequila label. NOM is allowed.</p>	Yes
	<p><b>USE OF FLAGS</b></p> <p>The depiction of flags is prohibited on labels when their use implies endorsement by the entity associated with the flag.</p>	Yes
	<p><b>TERMINATION DATES</b></p>	Yes

A termination date on a COLA is an expiration date.

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94-2 (con't)	<p><b>LETTERS OF AUTHORIZATION</b>            Required for any label that contains the name/logo of commercial or private organizations, the name/logo of school/university or a statement that percentage of sales will go to a specific charity (Ref: 95-2).</p> <p><b>CONTRACT BOTTLING – DISTILLED SPIRITS</b>            Approval to use another company's name or trade name in conjunction with a contract bottling agreement must be obtained prior to submission of the COLA</p> <p><b>LABELING REGULATIONS FOR EXPORTS TO THE EUROPEAN</b>            Exporters to the EU need the name of an EU importer and distributor printed on the label.</p> <p><b>WHEN A NEW COLA IS NOT REQUIRED</b>            A change in the alcoholic content of a product does not require the submission of a new COLA if the change doesn't alter the class and type as stated on the original COLA.</p> <p><b>PILOT PROGRAM FOR IMPORTED LIQUEURS</b>            Samples of liqueurs are no longer required to be submitted for pre-import analysis. Introduces the Pre-Import Supplemental Sheet (Ref: 95-2, 97-1, 98-1).</p> <p><b>FLAVOR PILOT PROGRAM</b>            Domestic flavor producers will be allowed to provide flavor certification directly to the manufacturer of the product.</p>	<p>Changed by 95-2.</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<b>INCLUDES INDUSTRY CIRCULARS:</b>		
IC-94-2 Dated 8/19/94	<p><b>COUNTRY OF ORIGIN CERTIFICATION REQUIREMENTS FOR IMPORTED WINES AND DISTILLED SPIRITS</b>            Includes a comprehensive listing of country certification requirements.</p>	Yes
95-2	<p><b>ACCURACY IN THE LABELING OF WINE</b>            Wine must be accurately labeled, describes requirement to claim appellations of origin and vintage.</p>	Yes

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95-2 (con't)	<p><b>CHANGES IN POLICIES AND PROCEDURES REGARDING LABELS AND ADVERTISEMENTS</b></p> <p>Direct conjunction definition, black and white label stamping issue, not requiring submission of color labels for malt beverages, “natural” products no longer require lists of ingredients, not rejecting or qualifying COLAs for distilled spirits if a proof statement is not in parentheses, a letter of authorization is no longer required for labels which depict famous people, places, or organizations, personalized labels, deceptive or misleading depictions of athletes, athletic events, etc.</p>	Yes
	<p><b>USE OF THE WORD ORGANIC</b></p> <p>Organic claims must be documented (Ref: 5-2000, 3-2001).</p>	Obsolete- Ref: 3-2001
	<p><b>COLA REQUIREMENTS FOR CHANGES IN PRODUCER, FORMULA, OR LOCATION OF PRODUCTION FOR IMPORTED PRODUCTS</b></p>	Yes
	<p><b>PRE-IMPORT APPROVALS</b></p> <p>Instructions on completing the Pre-Import Supplemental Sheet (Ref: 94-2, 97-1, 98-1).</p>	Yes
	<p><b>COUNTRY OF ORIGIN</b></p> <p>Formats for country of origin statements.</p>	Yes
	<p><b>TEQUILA</b></p> <p>Materials other than water may not be added to tequila outside of Mexico.</p>	Yes
	<p><b>USE OF NEW OR UNUSUAL MATERIALS IN THE MANUFACTURE OF ALCOHOLIC BEVERAGE CONTAINERS AND CLOSURES – FDA AND ATF REQUIREMENTS</b></p> <p>Alcoholic beverage producers and importers using new materials for containers should seek an opinion of compliance with FDA regulations.</p>	Yes
	<p><b>ATF BEVERAGE DISTILLED SPIRITS CONTAINER AND CLOSURE REQUIREMENTS</b></p> <p>Closure devices must be constructed in a manner that ensures that it is broken when the bottle is opened. ATF may inspect new or unusual closures prior to issuing a COLA.</p>	Yes
	<p><b>LIGHT (LITE) MALT BEVERAGES – AVERAGE ANALYSIS</b></p>	Yes

## REQUIRED

Format of average analysis statement.

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95-2 (con't)	<b>PROCYMIDONE TOLERANCE FOR WINE GRAPES</b> The EPA established a tolerance of 5 parts per million for residues of procymidone in or on wine grapes. ATF will request a voluntary recall of wine having a higher level than 5 ppm.	Yes
<b>INCLUDES INDUSTRY CIRCULAR:</b>		
	IC-95-2 Dated 6/16/95 <b>ATHLETES, ATHLETIC ACTIVITIES OR EVENTS AND MOTOR VEHICLES IN LABELING AND ADVERTISING OF ALCOHOLIC BEVERAGES</b> Depictions or references to athletes, athletic activities or events used in alcoholic beverage labeling will be reviewed on a case-by-case basis to determine whether it is deceptive.	Yes
97-1	<b>NEW POLICY FOR FLAVORED MALT BEVERAGES</b> The word "flavored" no longer needs to precede certain terms. Labels of all flavored malt beverages require a "truthful and adequate statement of composition" (Ref: 94-2).	Yes
	<b>TRUTHFUL AND ADEQUATE STATEMENT OF COMPOSITION</b> Requirements for statements of composition.	Yes
	<b>POLICY CHANGE REGARDING MALT BEVERAGE LABELS</b> Malt beverages that are flavored to make them similar to distilled spirits products may include pictures of glasses used to serve distilled spirits if other conditions are met.	Yes
	<b>NUMBERS ON MALT BEVERAGE LABELS</b> ATF guidelines for numbers on malt beverage labels.	Yes
	<b>RYE BEER</b> Malt beverage products may be labeled as rye beer if they are brewed with no less than 5% malted rye grain.	Yes
	<b>ALCOHOLIC BEVERAGES IN OTHER THAN A LIQUID STATE</b> Labeling and packaging requirements for alcoholic beverages in other than a liquid state.	Yes
	<b>CHILEAN APPELLATIONS OF ORIGIN</b> The requirements for wine to be able to claim a Chilean	Yes

appellation of origin smaller than “Chile.”

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97-1 (con't)	<p><b>MATERIALS AND PROCESSES AUTHORIZED FOR THE PRODUCTION OF WINE FOR THE TREATMENT OF JUICE, WINE AND DISTILLING MATERIAL</b></p> <p>Amended regulations add the use of three new or modified wine-treating processes and one new wine treating material.</p>	Yes
	<p><b>200 MILLILITER BOTTLES</b></p> <p>Labels for any wine in 200 milliliter bottles will not be approved.</p>	Yes
	<p><b>APPELLATIONS OF ORIGIN</b></p> <p>Among other requirements, in order for a wine to qualify for use of an appellation of origin, a wine must conform to the laws and regulations of such place governing the composition.</p>	Yes
	<p><b>EXPANSION OF THE LIQUEUR PROGRAM FOR IMPORTED SPECIALTY PRODUCTS</b></p> <p>Expands pre-import approval without requiring a laboratory analysis to include imported wine, beer and distilled spirits specialty products.</p>	Yes
	<p><b>INCLUDES INDUSTRY CIRCULARS:</b></p>	
	<p>IC-95-6 Dated 12/12/95      <b>USE OF ADJUNCTS BY BREWERS</b></p> <p>Advises of changes in procedures for using adjuncts listing in the Adjunct Reference Manual and of revised procedures for requesting permission to use adjuncts not already listed.</p>	Yes
	<p>IC-96-1 Dated 2/26/96      <b>ATF RULING ON FLAVORS CONTAINING ALCOHOL ADDED TO MALT BEVERAGES</b></p> <p>Advises of a ruling to be published concerning the addition of flavoring materials to malt beverages at a brewery.</p>	Yes
98-1	<p><b>CERTIFIED LABS LISTING</b></p> <p>Sulfur dioxide analysis for wine label approval.</p>	Yes
	<p><b>USE OF THE TERM “LEMONADE”</b></p> <p>FDA definition of lemonade and proper usage on labels.</p>	Yes

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98-1 (con't)	<p>WINE SPECIALTY PRODUCTS "STATEMENT OF COMPOSITION" Labeled with GRAPE VARIETALS OR SEMIGENERIC DESIGNATIONS</p> <p>Wine specialty products bearing varietal or semigeneric designations as part of the statement of composition will receive a qualified COLA.</p>	No - Obsoleted by T.D. 431
	<p>ALCOHOL BEVERAGES CONTAINING ADDED CAFFEINE</p> <p>When caffeine is added directly to a product, it is required to be included in the statement of composition.</p>	Yes
	<p>ALLERGIC REACTION ASSOCIATED WITH THE USE OF CARMINE</p> <p>If Carmine is contained in a product, a statement regarding artificial color must be included.</p>	Yes
	<p>PRE-IMPORT APPROVALS FOR IMPORTED LIQUEURS AND SPECIALTY PRODUCTS</p> <p>Requirements for submission of pre-import approvals (Ref: 94-2, 95-2, 97-1).</p>	Yes
	<p>METHYL ALCOHOL (METHANOL) ANALYSIS FOR BRANDY</p> <p>ATF will only process brandy label applications if a completed laboratory analysis accompanies the label application. Distinctive products continue to be exempt.</p>	Yes
2-2000	<p>ATF SUSPENDS ACTION ON HEALTH CLAIMS AND OTHER HEALTH-RELATED STATEMENTS IN THE LABELING AND ADVERTISING OF ALCOHOLIC BEVERAGES</p> <p>ATF is suspending action on any new COLAs bearing "directional" health related statements.</p>	Yes
4-2000	<p>NEW POLICY FOR HEMP PRODUCTS</p> <p>ATF will allow alcoholic beverage products to be made with hemp under certain conditions.</p>	Yes
5-2000	<p>ORGANIC LABEL REFERENCES</p> <p>The USDA is finalizing regulations setting a standard for the production of organic products. At that time, approved COLAs with organic references will be revoked (Ref: 95-2, 3-2001).</p>	Obsolete Ref: 3-2001



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6-2000	<p><b>SAMPLE BOTTLES SUBMITTED WITH LABEL/BOTTLE APPLICATIONS</b></p> <p>A filled representative sample bottle must accompany COLAs for products with an etched, painted or embossed label directly on the container.</p>	Yes
7-2000	<p><b>LABEL “USE-UP” AND TEMPORARY APPROVAL REQUESTS</b></p> <p>“Use-up” and temporary approval guidelines.</p>	Yes
8-2000	<p><b>LABEL ADOPTION REQUESTS</b></p> <p>When one company requests permission to use another company’s labels, certain information, documentation, etc., is necessary before a COLA is approved.</p>	Yes
9-2000	<p><b>APPEARANCE OF APPELLATION OF ORIGIN ON WINE LABELS</b></p> <p>When an appellation of origin is required on a wine label, it must be readily apparent and not hidden.</p>	Yes
	<p><b>BIER AND CERVEZA ON MALT BEVERAGE LABELS</b></p> <p>A foreign spelling is allowed on labels as additional information as long as it does not conflict with the English translation.</p>	Yes
10-2000	<p><b>LABELING OF FLAVORED WINES</b></p> <p>Effective 1/1/01, any varietal designation, type designation or semi-generic geographic type designation is prohibited in statements of composition for flavored wines and other wine specialty products (Ref: T.D. 431).</p>	Yes
2-2001	<p><b>LABELING POLICY CHANGE</b></p> <p>Certain terms may not appear on still wines. The term “lively” is permitted to appear.</p>	Yes
	<p><b>TEQUILA ISSUES</b></p> <p>Country of origin statements with regards to tequila and tequila specialty products, misleading statements as to class, type, imitation tequila and tequila liqueur.</p>	Yes
3-2001	<p><b>ORGANIC LABELING</b></p> <p>COLAs that make organic references will be qualified with a statement referring to USDA regulations. All approved COLAs with organic references will be given an expiration date of 8/20/02 (Ref: 95-2, 5-2000).</p>	Yes

7-2001

HELPFUL HINTS FROM THE ATF LAB

Yes

Guidelines for submitting alcoholic beverage samples, etc.